

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

ABDULLAH ABRIQ, on behalf of himself and others similarly situated,)	
)	
Plaintiffs,)	No. 3:17-CV-0690
)	
v.)	Judge Crenshaw
)	Magistrate Judge Holmes
)	
DARON HALL in his official capacity as Sheriff of Davidson County; and THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY,)	
)	
Defendants.)	

DEFENDANT SHERIFF DARON HALL’S MOTION TO DISMISS

Defendant, Davidson County Sheriff Daron Hall, sued solely in his official capacity in this case, moves to dismiss all claims against him. Sheriff Hall should be dismissed because suing a government official in his official capacity is in reality a suit against his employer, the Metropolitan Government, which is already a named defendant in this lawsuit. This Court should thus dismiss the duplicative claims asserted against Sheriff Hall in his official capacity.

PRELIMINARY STATEMENT¹

Plaintiff Abdullah Abriq (“Plaintiff”) is a foreign national who immigrated to the U.S. under an F-1 student visa. On April 6, 2017, U.S. Department of Homeland Security Immigration and Customs Enforcement (“ICE”) took Plaintiff into custody pending removal proceedings. *See* Am. Compl. Doc. No. 26 at ¶¶ 6, 11. Plaintiff alleges in his Amended Complaint that ICE conducted a warrantless arrest of Plaintiff without probable cause to believe that Plaintiff had committed a crime. *Id.* at ¶¶ 14-16. Plaintiff alleges that ICE unlawfully seized him because he is not in actuality subject to removal under applicable federal immigration

¹ All facts are drawn from the Amended Complaint, Doc. No. 26.

laws. *Id.* at ¶ 17.

On that same date, ICE presented Plaintiff to the Davidson County Sheriff's Office ("DCSO") to be held. *Id.* at ¶ 12. Plaintiff claims that DCSO, in accepting him from ICE and housing him pending removal proceedings violated his constitutional rights under the Fourth and Fourteenth Amendments. Plaintiff further brings Tennessee state law claims of false imprisonment and unjust enrichment. Plaintiff seeks declaratory and injunctive relief as well as monetary damages. Plaintiff has named the Metropolitan Government as a defendant and has also sued Sheriff Hall in his official capacity.

Because the claims against him are duplicative of the claims against his defendant employer, Sheriff Hall respectfully requests that this Court dismiss all claims against him. In further support of this motion, Sheriff Hall relies on the contemporaneously filed memorandum of law.

Respectfully submitted,

DEPARTMENT OF LAW OF THE
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY
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Certificate of Service

This is to certify that a copy of the foregoing has been forwarded via the court's ECF/CM system to:

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on this the 23rd day of May, 2017.

/s/Keli J. Oliver
Keli J. Oliver